

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

EOD
01/15/2020

In re: § Chapter 11
§
TEXAS PELLETS, INC. *et al.*,¹ § Case No. 16-90126
§
Debtors. § Jointly Administered

**AGREED ORDER GRANTING ADMINISTRATIVE EXPENSE CLAIMS ASSERTED
BY PORT OF PORT ARTHUR NAVIGATION DISTRICT
OF JEFFERSON COUNTY, TEXAS
[Relates to Docket #990 and 1291]**

The Port of Port Arthur Navigation District of Jefferson County, Texas (“the Port”) filed the following seeking allowance and payment of administrative claims: (i) on December 14, 2018, , the Port filed its *Notice of Additional Cure [Claim] for Property Damage Filed by Port of Port Arthur Navigation District of Jefferson County, Texas Pursuant to Order Granting Debtors' Motion to Assume Ground Lease and Easement Agreement Between the Debtors and the Port of Port Arthur Navigation District of Jefferson County, Texas Under Bankruptcy Code § 365 and Fed. R. Bankr. P. 6006* (the “Property Damage Claim”) [**dkt # 990**]; and (ii) on November 7, 2019, the Port filed its *Motion for Allowance and Payment of Administrative Claim Pursuant to 11 U.S.C. Section 503* (the “Invoice Claim”) [**dkt #1291**]. The Court finds that the Property Damage Claim and the Invoice Claim were properly served and that Texas Pellets, Inc. and German Pellets Texas, LLC (the “Debtors”) timely filed Objections and opposed the Property Damage Claim and the Invoice Claim [Docket #1010, 1296, and 1312]. Prior to a hearing on the claims scheduled for January 15, 2020, the parties announced to the Court that they had reached an agreement and settlement on all matters encompassed by the claims. Upon due

¹ The jointly-administered chapter 11 Debtors, along with the last four digits of each Debtor’s federal tax identification number, are Texas Pellets, Inc. (3478) and German Pellets Texas, LLC (9084). The location of the Debtors’ corporate headquarters and service address for the jointly-administered Debtors is: 164 CR 1040, Woodville, TX 75979.

consideration, the Court finds that just cause exists for entry of the following order.

IT IS THEREFORE:

1. **ORDERED** that the Property Damage Claim and the Invoice Claim are hereby GRANTED to the extent and as set forth herein; and it is further

2. **ORDERED** that the Property Damage Claim and the Invoice Claim are allowed in the total amount of \$200,000.00 (the amount of \$200,000.00 collectively resolving the Property Damage Claim and the Invoice Claim), as a complete and final resolution of any and all administrative, unsecured, and other claims asserted by the Port against the Debtors but without prejudice to, waiver or abandonment of any claim, contention, defense, remedy or recovery by and between the Port on the one hand, and the Port's insurer, Travelers Property Casualty Company of America or its affiliates, on the other hand; and it is further

3. **ORDERED** that the Debtors shall pay the Port the amount of \$200,000.00 within five business days after entry of this Order.

4. **ORDERED** that this Court shall retain jurisdiction to resolve all matters arising out of or related to this Order.

Signed on 01/15/2020



THE HONORABLE BILL PARKER
CHIEF UNITED STATES BANKRUPTCY JUDGE

SUBMITTED BY:

/s/ C. Davin Boldissar
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